

**\* \* REASONS FOR AMENDMENTS AND REMARKS \* \***

Applicants wish to acknowledge with appreciation the Examiner's analysis and efforts in examining this application.

The Examiner has indicated that Claims 7-13, 16, 17 and 27-29 would be allowable if rewritten as set forth in the Office Action. The Examiner is thanked for this indication.

As a preliminary matter, on page 2 of the Official Action, the abstract of the disclosure was objected to because the phrase "swing-arm clamp *may* is provided" in line 5 is unclear.

Pursuant the Examiner's suggestion, the abstract has been amended to remove the word "may." Accordingly, withdrawal of this objection is respectfully requested.

Also on page 2 of the Official Action, the Examiner objected to the disclosure because the numeral "2" that is discussed in the specification is not shown in the drawings.

Accordingly, replacement sheets for Figs. 1 and 4 have been included herewith, which include reference numeral 2 identifying the swing arm clamp pursuant the specification. It is respectfully noted, however, that reference numeral 2 does appear in Figs. 2 and 3.

On page 2 of the Official Action, the Examiner objected to Claim 23 because it was allegedly unclear what is being referred to as "the same" in line 6 of the claim.

Claim 23 has, thus, been amended changing the phrase "the same" to "piston assembly." Accordingly, withdrawal of this rejection is respectfully requested.

IN THE DRAWINGS

Please amend the drawings by adding the accompanying Replacement Sheets for originally-filed Sheets 1 and 3. Both Replacement Sheets include reference numeral 2, as discussed in the specification.

The Examiner has rejected Claims 16 and 17 on page 3 of the Official Action, alleging that they both recite the limitation "the locating pin" with insufficient antecedent basis.

Both Claims 16 and 17 have been amended to recite a "locating member," rather than a "locating pin." A "locating member" does appear in Claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

On pages 3, 4, and 5 of the Official Action, the Examiner rejected Claims 1-6, 14, 15, 18-22, 30 and 31 under 35 U.S.C. § 102(b) as being anticipated by Waller et al., Patent No. 3,948,502. In reference to Claims 1-6, Waller allegedly discloses a swing-arm clamp comprising: an actuator (24), a piston (21) movable in response to the actuator, a body (10) having the piston movable therein, a piston rod (16) located within the body and extending from the piston wherein the piston rod is movable through the body in response to movement by the piston along a longitudinal axis between first and second positions and wherein the piston rod is also movable about the longitudinal axis as it is movable along the longitudinal axis; an arm (17) attached to the piston rod being movable both along the longitudinal axis between the first and second positions, and about the longitudinal axis, a guide (32) and a locating member (30) movable in concert with the piston rod wherein the locating member engages the guide when the arm is located in the first position and separates from the guide when in the second position. Waller's invention is capable of a first, clamping and retracting position, wherein the locating member engages the guide and a second, releasing extended position, wherein the locating member separates from the guide. The guide in Waller's invention is attached to the body via the removable end cap or plug (12) that is normally retained in position at the base of the body by a circlip (13) (Col. 2, lines 5-6 and 56-57). Therefore, the guide and plug are both attachable to the body and adjustable with respect to the body because the cap may be removed from the body and may be replaced in at least one other position from the initial position shown.

In reference to Claim 14, the Examiner alleges that Waller discloses a swing-arm clamp as discussed *supra* wherein the locating member is indirectly attached to the arm in that the locating member is formed by a slot in one end of the piston rod and the arm is attached with a threaded fastener (18) to the other end of the piston rod. In reference to Claims 15 and 31, the Examiner alleges that Waller includes a shield that shrouds the piston rod when it is in the first position. The portion of Waller's arm (17) that makes a contact with the piston rod acts as a shroud for the top, exposed portion of the piston rod while in the first position (clamping position).

Claim 1 has been amended to recite "a locating member located exterior of the body and moveable in concert with the piston rod." Support for this amendment can be seen, for example, in Fig. 1 of the present application. In contrast, the locating member (30) shown in Waller is clearly located within the interior of body (10) and not exterior. Waller, therefore, does not disclose or teach all the limitations of the claimed invention, as amended. Accordingly, withdrawal of this rejection is respectfully requested.

In reference to Claims 18-22, and 31, the Examiner alleges that Waller discloses the swing arm clamp as discussed *supra* comprises an actuator (24), a body (10), a rod (16) disposed in the body that is movable between first and second positions longitudinally in response to the actuator (24) and rotatable with respect to its longitudinal movement, wherein the rod is at least partially extendable from the body, a clamp arm (17) attached to the rod, a shield, located adjacent to the clamp arm, that obscures the portion of the rod that is *at* extended from the body in the first position and a locating member (30) attached to the clamp that is engagable with guide member (32) that is also attached to the clamp, wherein the combination of locating member and guide act as a means for absorbing force caused from backlash created as the swing-arm clamp *clams* a workpiece.

The rejections of Claims 18-22 are respectfully believed moot in light of the amendments made to Claim 18. Specifically, the “guide” in Claim 18, being “located exterior the body” is a limitation not shown in the prior art for the reasons previously articulated above with respect to the “locating member”. Support for the amendment, similar to that discussed *supra*, can also be found in Fig. 1, for example.

On page 5 of the Official Action, the Examiner rejected Claims 23-26 under 35 U.S.C. § 102(b) as being anticipated by Vanistendael Patent No. 4,620,695. The Examiner alleges that Vanistendael discloses a swing-arm clamp comprising: a body (23), a piston assembly (28) disposed in the body and movable longitudinally with respect to the body, a cam member (33) having a camming surface disposed therein being in communication with the piston assembly to cause movement of the piston assembly askew of its longitudinal movement, a base (17), located in a bore disposed in the body, that is attached to the cam member. The position of the base is selectively maintained through a pair of fasteners (19) that, if removed would allow selective movement of the base which would affect the askew movement of the piston assembly.

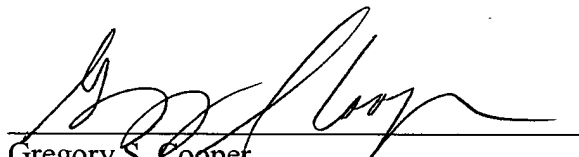
This rejection is also respectfully traversed. Specifically, the base (17) as defined by the Examiner, is not believed to be “attached” to a cam member of the type recited in Claim 23. Specifically, the cam member in Vanistendael is identified as a guide pin (33). (See column 3, line 17.) This cam pin does not have “a camming surface disposed therein,” as required by Claim 23 of the present invention. Rather, such a “camming surface” is identified by reference numeral 33b in subpiston (31), as shown in Fig. 3 of Vanistendael. Subpiston (31), however, is not attached to body (17). Vanistendael, therefore, does not disclose all limitations of Claim 23. Accordingly, it is respectfully requested that this rejection be withdrawn.

If, upon consideration of the above, the Examiner should feel that there remain outstanding issues in the present application that could be resolved, the Examiner is invited to contact Applicants' patent counsel at the telephone number given below to discuss such issues.

Serial No. 10/601728  
Docket No. 614359-82656

To the extent necessary, a petition for an extension of time under 37 C.F.R. §1.136 is hereby made. To the extent additional fees are required, please charge the fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 02-1010 (614359/82656) and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gregory S. Cooper', is written over a horizontal line.

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